

DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RECEIVED

October 1, 2008

OCT 06 2008

Re: Proposed Draft Air Permit (Hyperion Energy Center)
Union County, South Dakota

AIR QUALITY
PROGRAM

To Whom It May Concern,

We don't believe this air permit would be good for Union County, The State of South Dakota or the United States of America when a Federal law suit is now pending to raise the EPA standards.

With Hyperion's lack of unproven processes (IGCC) we don't feel that this permit should be grandfathered in before new standards are developed.

Also, Hyperion has demonstrated to us their untruthfulness by already breaking their promises. A direct promise made to us and to Union County residents to basically buy out anybody who resides within two miles of their main footprint is not being kept. Myself, I have personally made four attempts to contact them about my property (one mile from project) and after approximately seven months have not even had the respect of any type of reply.

We don't feel that this type of behavior even remotely makes them a good neighbor or trustworthy. This is just one of many examples that they have proven that they are not being a good neighbor, like they have previously tried to impress on the general public.

We don't feel that they can be trusted with our health and our future for the true South Dakotan's.

Sincerely,

Stan & Jana Foltz

Mr. Brian Gustafson, Administrator
Air Quality Program
Department of Environment and Natural Resources
523 East Capital, Joe Foss Building
Pierre, SD 57501

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OCT 06 2008

AIR QUALITY
PROGRAM

Dear Mr. Gustafson,

I am writing to express my sincere concern about the possibility of Hyperion Energy moving into Union County, South Dakota.

We chose to live in this area because it is a great place to raise a family with wide open spaces, clean air, water, and the ability to see South Dakota's natural beauty for miles and miles. I believe that Hyperion's presence in this area would undermine each of these. Economic prosperity has been cited as the saving grace of this proposal. However, the negatives far outweigh any positives that could result from Hyperion.

Thank you for your time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerry Holbrook". The signature is fluid and cursive, with the first name "Jerry" and last name "Holbrook" clearly distinguishable.

Jerry Holbrook
605 E. St. Andrews Circle
Dakota Dunes, SD 57049

Re: Proposed Draft Air Permit
Hyperion Refinery
Elk Point, SD

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AIR QUALITY
PROGRAM

Dear Sirs:

I am writing concerning the air permit for the proposed refinery north of Elk Point SD. My concerns are;

Why are the emissions from flaring, leaky valves, shutting down and turning on the proposed refinery and any upsets not included in the emission totals? Without these being listed, the totals given are very deceptive as this is when the greatest amount of contaminants are emitted.

Why is there no protection for people trying to live in the area, from construction dust and from dust on the unpaved roads? This should not be allowed. The people living in Dakota Dunes have had the right to protect themselves from truck traffic dust during construction in their area. Even though we are country people we should also be given the same consideration. Clean air is one of our greatest assets here in the rural area. It is the reason so many of us chose to live here. We have clear clean skies day and night. We see the stars shine because there is no pollution from light or contaminants.

How can an air permit be issued when Hyperion has not yet come forth with an EIS? Before you are able to make this very serious decision, should you not have all information concerning their plans? Wouldn't an EIS be needed to hold them accountable? This is too large a project to do business on a handshake and already they have backed down several times on their word. (an example would be the 2 mile buffer they did promise to many people but now deny making) Our lives and homes are in your hands. We expect you to protect us from those that would harm our lives and lifestyles for the sake of money. I would suggest that before Hyperion is given the green light, that EVERY part of their plan be disclosed to you and the public.

Where will the pipelines for crude oil and water coming in and out of the plant be? Where will the railroads run? Whose homes and farms will be destroyed by them? Where will the water come from and the energy they will need? People have the right to know exactly how this refinery will

impact their lives.

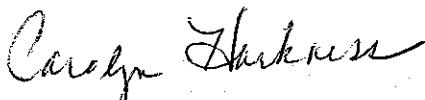
Those of us that live closest to the proposed refinery are not in favor of what is trying to be pushed onto us. The people that voted for the refinery live on the far ends of the county and really have no concern for our welfare. That is why we need you to look after and protect the air that we would have to breathe.

I question how clean the air will actually be. Is the percentage of contaminants averaged with the whole state or is it the actual air that we will be breathing in the area of the refinery? What about our neighbors in Iowa and Nebraska? Is allowing pollutants to be dumped on them the neighborly thing to do? Hyperion has also said they want to be good neighbors and look at what they have done to our community.

I have 13 grandchildren that will be leaving to find a clean and safe place to live if the refinery would be built. My husband and I would leave also as will so many of our friends and neighbors. What do you think the chances are that we will all be able to relocate in the same area? What are we as farmers to do? These lands are our business' and our homes, our retirement. Please give this some thought when you make a final decision. Times used to be that people were more important than money. Sadly, the very state that I love has changed and would toss so many of us out, because our governor has stopped caring about the people that elected him.

I would also like to say that I realize the governor is your boss and he may be putting pressure on you. But I am praying that you do what is right for those of us that you are supposed to be looking after.

Carolyn Harkness
Brule Township
Union County, SD

A handwritten signature in cursive script that reads "Carolyn Harkness".

DENR
Joe Foss Building
523 E Capitol
Pierre, SD 57501

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OCT 06 2008

AIR QUALITY
PROGRAM

Dear Gentlemen,

Concerning the Air Permit for Hyperion, there are a few questions that I have.

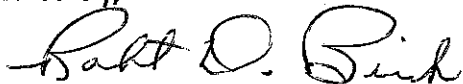
First, when will there public meetings about this and where will they be held? I would suggest that since so many of the people directly concerned with the issue of what they will be forced to breathe, are elderly people, there should be meetings in the actual area of proposed contamination. I think the meetings should be held where it is most convenient for the people you are working for.

I am also concerned that you have not received an EIS report from Hyperion. I am requesting that you delay issuing the final air permit until you have received and had a chance to study an EIS that Hyperion should have to supply at their own expense.

Although the air permit is almost impossible to understand, it does appear that all emissions do not seem to be included in this document. I am concerned about those that are left out. What about the contamination that occurs during flaring and when the refinery would be turned on and shut down? There is a heavy concentration of pollution at these times that apparently would go unregulated.

Please remember that you need to look after the welfare of the people living in the area of the proposed refinery as well as our neighbors in Iowa and Nebraska.

Sincerely,



Robert Brink

To Whom It May Concern;

I would like to file a protest regarding the Hyperion air permit. It is with deep concern and fright for the future of the quality of natural resources in southeast South Dakota that I ask this department to deny the Hyperion air permit. We should not be persuaded to believe that there will be minimal affect from this industrial project. Millions of tons of carcinogens and polluting matter will be freely released into our community. I feel there are no health benefits only detriments; what is more important in life, good health or economic development? Please don't be sold out by the promise of a green refinery, which by definition represents an oxymoron. A relative was visiting me recently from a metropolitan city and commented on how he had forgotten how fresh the air was here in South Dakota. Please don't forget how fresh and clean the air is in South Dakota. I know I am but a small voice in this popular industrial proposal, but I hope you listen and understand the responsibility you have to the people of southeast South Dakota.

Sincerely,

Janice Howard

139 Westwood Lane

McCook Lake, SD

57049

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OCT 06 2008

AIR QUALITY
PROGRAM

Josh Hofland
647 S Main Ave. #207
Sioux Falls, SD 57104

DENR
Division of Environmental Services
523 E. Capital
Pierre, SD 57501

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OCT 06 2008

AIR QUALITY
PROGRAM

To whom it may concern:

I am writing this letter in response to the Hyperion environmental permit. I strongly encourage you to deny Hyperion the permit they have applied for. This 1 facility would more than double the yearly carbon dioxide output of the entire state of SD!

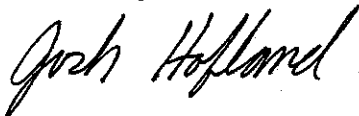
The refinery will be processing sour crude oil and producing massive amounts of sulfur every day. It only takes one accident to derail the 100 train box cars carrying this sulfur to irreparably damage the surrounding environment and the ground water.

As recently as 2007 the University of Texas School of Public Health showed that children living within two miles of the heavily industrialized Houston ship channel have a 56% greater risk of contracting acute lymphocytic leukemia than children living farther away.

The toxins that this refinery produces will surely have harmful effects on the good people of our state. It is your duty and your responsibility to protect the environment and the people of South Dakota.

Again, I strongly encourage you to deny this permit.

Sincerely,



Josh Hofland

Brian Gustafson, Administrator
Air Quality Program
Department of Environment and Natural Resources
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

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OCT 06 2008
AIR QUALITY
PROGRAM

Dear Mr. Gustafson:

I am the President/Owner of Gerstner Oil Co., Inc., a company with its business in the Siouxland. Please accept this letter as our company's formal comment requesting SD DENR approve the Hyperion Energy Center air permit. I strongly believe that this project is a great opportunity for the tri-state region and our nation.

Hyperion is committed to building the most advanced and environmentally sound refinery in the United States. It is disturbing that a new refinery has not been built in this country in over thirty years. The Hyperion Energy Center will be built from the ground up using new and proven emissions control technologies. I am also comforted in knowing that Hyperion will conduct ongoing monitoring during operations to ensure compliance with the permit requirements.

The economic benefit the state, region, and nation will see from this project is tremendous. Thousands of new jobs, new tax revenue and tremendous growth as a result of this project will benefit everyone in the region not to mention allowing South Dakota to take a leadership role in helping America to increase its energy security.

Thank you for your time and diligent attention to this matter.

Sincerely,


Signature

Date 10-1-08

Name: Rudy Gerstner

Address: P. O. Box 59
Yankton, SD 57078

CC: Board of Minerals and Environment

Brian Gustafson, Administrator
Air Quality Program
Department of Environment and Natural Resources
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

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OCT 06 2008

AIR QUALITY
PROGRAM

Dear Mr. Gustafson:

I am a citizen of South Dakota and resident of Union County. I hereby submit my formal comment and ask that you approve the air permit for the proposed Hyperion Energy Center without delay. I strongly believe that this project is a great opportunity for Union County, the State of South Dakota, and our nation.

Hyperion is committed to building the most advanced and environmentally sound refinery in the United States. It is disturbing that a new refinery has not been built in this country in over thirty years. The Hyperion Energy Center will be built from the ground up using new and proven emissions control technologies. I am also comforted in knowing that Hyperion will conduct ongoing monitoring during operations to ensure compliance with the permit requirements.

The economic benefit our communities will see from this project is tremendous. Thousands of new jobs, new tax revenue and tremendous growth as a result of this project will benefit all South Dakotans not to mention allowing South Dakota to take a leadership role in helping America to increase its energy security.

Thank you for your time and diligent attention to this matter.

Sincerely,

Edith L. Wagner
Signature

10-3-2008
Date

Name: Edith L. Wagner

Address: P.O. Box 516

Elk Point SD 57025

weng33@hotmail.com

CC: Board of Minerals and Environment

Brian Gustafson, Administrator
Air Quality Program
Department of Environment and Natural Resources
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

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OCT 06 2008

AIR QUALITY
PROGRAM

Dear Mr. Gustafson:

I am a citizen of South Dakota and resident of UNION County. I hereby submit my formal comment and ask that you approve the air permit for the proposed Hyperion Energy Center without delay. I strongly believe that this project is a great opportunity for Union County, the State of South Dakota, and our nation.

Hyperion is committed to building the most advanced and environmentally sound refinery in the United States. It is disturbing that a new refinery has not been built in this country in over thirty years. The Hyperion Energy Center will be built from the ground up using new and proven emissions control technologies. I am also comforted in knowing that Hyperion will conduct ongoing monitoring during operations to ensure compliance with the permit requirements.

The economic benefit our communities will see from this project is tremendous. Thousands of new jobs, new tax revenue and tremendous growth as a result of this project will benefit all South Dakotans not to mention allowing South Dakota to take a leadership role in helping America to increase its energy security.

Thank you for your time and diligent attention to this matter.

Sincerely,

Howard P. Wagner
Signature

010/02/2008
Date

Name:

Howard P. Wagner

Address:

P.O. Box 516

ELK POINT, SD 57025

hew33@hotmail.com

CC: Board of Minerals and Environment

Brian Gustafson, Administrator
Air Quality Program
Department of Environment and Natural Resources
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

RECEIVED
OCT 06 2008
AIR QUALITY
PROGRAM

Dear Mr. Gustafson:

I am the President/Owner of Gerstner Oil Co., Inc., a company with its business in the Siouxland. Please accept this letter as our company's formal comment requesting SD DENR approve the Hyperion Energy Center air permit. I strongly believe that this project is a great opportunity for the tri-state region and our nation.

Hyperion is committed to building the most advanced and environmentally sound refinery in the United States. It is disturbing that a new refinery has not been built in this country in over thirty years. The Hyperion Energy Center will be built from the ground up using new and proven emissions control technologies. I am also comforted in knowing that Hyperion will conduct ongoing monitoring during operations to ensure compliance with the permit requirements.

The economic benefit the state, region, and nation will see from this project is tremendous. Thousands of new jobs, new tax revenue and tremendous growth as a result of this project will benefit everyone in the region not to mention allowing South Dakota to take a leadership role in helping America to increase its energy security.

Thank you for your time and diligent attention to this matter.

Sincerely,


Signature

Date 10-1-08

Name: Rudy Gerstner

Address: P. O. Box 59
Yankton, SD 57078

CC: Board of Minerals and Environment

METR ELECTRIC INC.

931 STEUBEN STREET • SIOUX CITY, IOWA • (712) 233-2438

October 2, 2008

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OCT 06 2008

AIR QUALITY
PROGRAM

Brian Gustafson, Administrator
Air Quality Program
Department of Environment and Natural Resources
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

Dear Mr. Gustafson:


I am the President of Metro Electric, Inc. a company with its business in the Siouxland Area. Please accept this letter as our company's formal comment requesting SD DENR approve the Hyperion Energy Center air permit. I strongly believe that this project is a great opportunity for the tri-state region and our nation.

Hyperion is committed to building the most advanced and environmentally sound refinery in the United State. It is disturbing that a new refinery has not been built in this country in over thirty years. The Hyperion Energy Center will be built from the ground up using new and proven emissions control technologies. I am also comforted in knowing that Hyperion will conduct ongoing monitoring during operations to ensure compliance with the permit requirements.

The economic benefit the state, region, and nation will see from this project is tremendous. Thousands of new jobs, new tax revenue and tremendous growth as a result of this project will benefit everyone in the region not to mention allowing South Dakota to take a leadership role in helping America to increase its energy security.

Thank you for your time and diligent attention to this matter.

Sincerely,


Dave Gill
President

Brian Gustafson, Administrator
Air Quality Program
Department of Environment and Natural Resources
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

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OCT 06 2008

AIR QUALITY
PROGRAM

Dear Mr. Gustafson:

I am a citizen of South Dakota and resident of Clay County. I hereby submit my formal comment and ask that you approve the air permit for the proposed Hyperion Energy Center without delay. I strongly believe that this project is a great opportunity for Union County, the State of South Dakota, and our nation.

Hyperion is committed to building the most advanced and environmentally sound refinery in the United States. It is disturbing that a new refinery has not been built in this country in over thirty years. The Hyperion Energy Center will be built from the ground up using new and proven emissions control technologies. I am also comforted in knowing that Hyperion will conduct ongoing monitoring during operations to ensure compliance with the permit requirements.

The economic benefit our communities will see from this project is tremendous. Thousands of new jobs, new tax revenue and tremendous growth as a result of this project will benefit all South Dakotans not to mention allowing South Dakota to take a leadership role in helping America to increase its energy security.

Thank you for your time and diligent attention to this matter.

Sincerely,

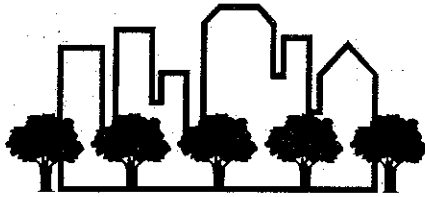
Nicole A. Peters
Signature

9/23/08
Date

Name: Nicole A. Peters

Address: 727 Valley View Drive
Vermillion, SD 57069

CC: Board of Minerals and Environment



LCEDA
Lincoln County Economic Development Association

in cooperation with the
Sioux Falls Development Foundation
PO Box 907, Sioux Falls, SD 57101-0907
Phone: (605) 339-0103 * Fax: (605) 339-0055

October 2, 2008

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OCT 06 2008

AIR QUALITY
PROGRAM

Brian Gustafson, Administrator
Air Quality Program
Department of Environment and Natural Resources
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

Dear Mr. Gustafson:

On behalf of the board of directors for the **Lincoln County Economic Development Association**, I am writing to express our support for the Hyperion Energy Center permit application. As a regional economic development association we cannot emphasize enough what a tremendous opportunity Hyperion will be for our state and the energy independence of our country.

In addition to the economic gain in jobs, tax revenue and population growth we also stand in strong support of the Hyperion Energy Center because of their commitment to meeting or exceeding all environmental standards required by SD DENR and their demonstrated willingness to be strong corporate citizens with the area and the state.

Thank you for your time and attention to this matter. Please do not hesitate to give me a call should you have additional questions.

Sincerely,

Jeff Eckhoff, Executive Director
Lincoln County Economic Development Association

ELK POINT ECONOMIC DEVELOPMENT CORPORATION

September 26, 2008

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OCT 06 2008

AIR QUALITY
PROGRAM

Brian Gustafson, Administrator
Air Quality Program
SD DENR
523 East Capitol, Joe Foss Building
Pierre, SD 57501

Dear Mr. Gustafson:

This purpose of this letter is to express the support of the Elk Point Economic Development Corporation (EP EDC) for the Hyperion Energy Center air permit application.

The EP EDC formally passed a Resolution of Welcome and Support for the Hyperion Energy Center in November 2007, a copy of which is enclosed. Please accept this letter as our formal comment requesting the DENR approve the air quality application filed by Hyperion. We truly believe this is a great project not only for southeast South Dakota but the entire state, region and our country.

We support the Hyperion Energy Center and request the DENR approve the air quality application because we the project will meet or exceed the environmental standards required by DENR and because Hyperion is committed to good corporate citizenship and community involvement. We realize the economic benefits this project will bring to our state, region and nation including thousands of new jobs, new tax revenues and tremendous growth. We support the project as it allows South Dakota to take a leadership role in helping our country become less dependent on foreign oil.

Thank you for reviewing our comments.

Sincerely,



Dawn Glover
Executive Director
Elk Point Economic Development Corporation

**ELK POINT ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION OF WELCOME AND SUPPORT FOR HYPERION
ENERGY CENTER**

WHEREAS, Hyperion Energy Center has announced plans to build the most environmentally sound, state-of-the art, green energy center in the United States, including the first oil refinery built in this country since 1976, and;

WHEREAS, Hyperion Energy Center will help to enhance American's petroleum independence by processing North American crude oil here in North American, will enhance our nation's petroleum refining capacity, and will raise the standard for the entire petroleum industry, and;

WHEREAS, the facilities associated with Hyperion Energy Center will be designed to ensure optimal production efficiency with minimal impact on the environment, and;

WHEREAS, the Hyperion Energy Center project will be constructed and operated in a manner that meets or exceeds all applicable regulatory and environmental rules, regulations, permits, guidelines, and approvals, and;

WHEREAS, Hyperion Energy Center is committed to environmental stewardship and a green charter, and;

WHEREAS, Hyperion Energy Center is committed to outstanding corporate citizenship and community involvement, and;

WHEREAS, Hyperion Energy Center has identified an area in Union County, South Dakota, as a site of significant interest for their proposed project, and;

WHEREAS, this proposed project is consistent with the purpose of the Elk Point Economic Development Corporation to "promote, stimulate and expand economic, commercial, industrial and residential growth and to assist persons, firms, corporations and governmental bodies and agencies to accomplish these goals and objectives".

WHEREAS, The Elk Point Economic Development Corporation recognizes the significant economic development and growth opportunities associated with this proposed project,

NOW THEREFORE BE IT RESOLVED that the Elk Point Economic Development Corporation welcomes and supports Hyperion Energy Center and looks forward to continue working with Hyperion, state and other local officials, and area residents to advance this project.

Dated at Elk Point, South Dakota, this 9th day of November 2007.

Signed by the Board of Directors of the Elk Point Economic Development Corporation:

By: Bruce Odson Bruce Odson, President

By: Andrew Winborn Andrew Winborn, Vice President

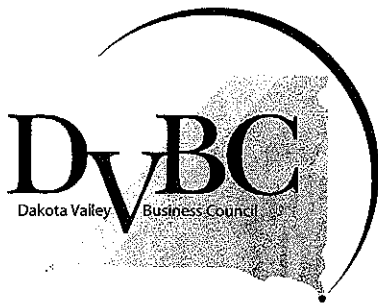
By: Kim McLaury Kim McLaury, Treasurer

By: Patricia Curry Patricia Curry, Secretary

By: Dawn Glover Dawn Glover, Executive Director

By: Joyce Bortscheller Joyce Bortscheller, Board member at Large

By: Jay Frink Jay Frink, Board member at Large



Serving Dakota Dunes and North Sioux City, South Dakota

October 1, 2008

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OCT 06 2008

AIR QUALITY
PROGRAM

Brian Gustafson, Administrator
Air Quality Program
Department of Environment and Natural Resources
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

Dakota Valley Business Council

Dear Mr. Gustafson:

PO Box 697

The Dakota Valley Business Council (DVBC) is an association of businesses in Dakota Dunes and North Sioux City, South Dakota. On behalf of the DVBC Board of Directors, I am writing to express our support of for the Hyperion Energy Center permit application. Please accept this letter as our formal comment requesting that the South Dakota Department of Environment and Natural Resources (SD DENR) approve the Hyperion Energy Center air permit. We strongly believe that this project is a great opportunity for South Dakota, Siouxland, and our nation.

North Sioux City,

South Dakota 57049

800.228.7903

Tel 712.255.7903

Fax 712.258.7578

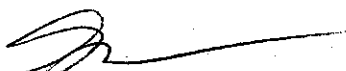
We support the Hyperion Energy Center for the following reasons:

- Hyperion is committed to meeting or exceeding all environmental standards required by SD DENR;
- Hyperion is demonstrating a commitment to good corporate citizenship and community involvement;
- The economic benefits the state, region, and nation will see from this project are tremendous;
- Thousands of new jobs, new tax revenue and tremendous growth as a result of this project will benefit everyone in the region;
- This project allows South Dakota to take a leadership role in helping America to increase its energy security.

*Affiliated with the Siouxland
Chamber of Commerce*

Thank you for your time and diligent attention to this matter.

Sincerely,


Greg Miner
President

CC: Board of Minerals and Environment

S D Department of Environment and Natural Resources
Division of Environmental Services
523 East Capitol, Joe Foss Building
Pierre, SD 57025

RECEIVED

OCT 06 2008

AIR QUALITY
PROGRAM

Date: October 1, 2008

RE: Hyperion Energy Center Air Quality Permit.

Dear Mr. Rombough,

I would like to voice my support of the air quality permit being considered for the proposed Hyperion Energy Center located north of Elk Point.

Many people have already publicly commented on the benefits of locating an environmentally friendly energy center in our county. I agree with their comments. However, I think it's important to note that many environmental groups have publicly endorsed the technology that is proposed for the Hyperion Energy Center.

On Feb. 8, 2006, The Sierra Club, Clean Air Task Force and several other environmental watch dog groups sent a scathing 26 page letter to Stephen Johnson, Administrator of the United States Environmental Protection Agency for failing to require facilities to consider IGCC technology as the BACT when contemplating permits to expand or update energy generation capacity. In that letter, the groups stated that IGCC is an inherently cleaner "production process" for the generation of electricity. They went on to say the IGCC is the lowest emitting among all coal production processes. The letter quoted an expert who stated IGCC is capable of exceeding the most environmentally stringent regulations. In addition, they endorse IGCC as it is a proven technology that has been operating at two plants with in the United States and others abroad for over 10 years. The letter and it's numerous enclosures can be viewed on line at http://www.catf.us/advocacy/legal/BACT_LAER/.

Finally, I implore the agency to ignore comments opposing the exploitation of Alberta's tar sands as a source of energy. The pros and cons of the Canadian tar sands as an energy source are irrelevant for the purposes of evaluating and issuing an air quality permit.

Sincerely,



Eric Rosenbaum
607 S. Pinckney St.
Elk Point, SD 57025